

SAN LUIS OBISPO PLANNING DEPARTMENT HEARINGS
MINUTES OF THE MEETING OF

January 6, 2006

Minutes of the Regular Meeting of the County Planning Department Hearings held in the San Luis Obispo County Planning and Building Department Conference Room, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:06 a.m. by Warren Hoag, Hearing Officer.

The following action minutes are listed, as they were acted upon by the Hearing Officer of the Planning Department Hearings, and as listed on the agenda for the Regular Meeting of January 6, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

PUBLIC COMMENT PERIOD

Patrick Considine, owner, item #5 - DRC2005-00062, states he is in agreement with Staff Report. Richard Kelly, contractor, item #5 - DRC2005-00062, states approval was received for the project from area homeowners; Casey Kempenoer, Wallace Group & agent for item #8 - DRC2005-00046, is present for any questions.

CONSENT AGENDA:

None

NON-HEARING ITEMS:

1. This being the time set for hearing to consider a request by **KEN AND KELLEY ABRAHAMS** for a Minor Use Permit/Coastal Development Permit to allow the construction of a new 290 square foot detached garage and conversion of an existing attached garage to a laundry room, bathroom, and outdoor patio. The project will require 143 square feet of Transfer of Development Credits and result in a site total of 1,164 square feet of footprint and 1,571 square feet of gross structural area. The project will result in the disturbance of approximately 1,000 square feet of a 2,500 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 2175 Windsor Blvd, approximately 100 feet southeast of Emmons Road, Lodge Hill, in the community of Cambria. The site is in the North Coast planning area. This project is exempt under CEQA.

County File No: DRC2005-00068

Assessor Parcel Number: 023-044-005

Supervisory District: 2.

Date Accepted: November 15, 2005.

Martha Neder, Project Manager

MINUTES:

Hearing Officer: Warren Hoag

Thereafter, on motion of the Hearing Officer, the Minor Use Permit/Coastal Use Permit is granted based on Findings A through K in Exhibit A and subject to Conditions 1 through 24 in Exhibit B. (Document No. 2006-196)

2. This being the time set for hearing to consider a request by **CLAY AND LYNNE SINGER** for a Minor Use Permit/Coastal Development Permit to allow the construction of a new 250 square foot carport and 400 square foot porch on a site with an existing house and detached garage. The project will result in the disturbance of approximately 1,000 square feet of a 17,500 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1022 Kenneth Drive in the community of Cambria. The site is in the North Coast planning area.

County File No: DRC2005-00047

Assessor Parcel Number: 023-033-015

Supervisory District: 2
Martha Neder, Project Manager

Date Accepted: November 16, 2005.

MINUTES:

Hearing Officer: Warren Hoag

Thereafter, on motion of the Hearing Officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through P in Exhibit A and subject to Conditions 1 through 21 in Exhibit B. (Document No. 2006-197)

3. This being the time set for hearing to consider a request by **ANDREW AND INGRID TURREY** for a Minor Use Permit/Coastal Development Permit to allow the demolition of an existing 250 square foot garage and the construction of a new 911 square foot garage with a 600 square foot guesthouse above. The project will result in a site total of 1,733 square feet of footprint and 2,640 square feet of gross structural area. The project will result in the disturbance of approximately 2,500 square feet of a 7,000 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 2230 Wilcombe Drive, approximately 75 feet north of the intersection with Ardath Drive, Lodge Hill, in the community of Cambria. The site is in the North Coast planning area. This project is exempt under CEQA.

County File No: DRC2005-00078

Assessor Parcel Number: 024-041-034

Supervisory District: 2

Date Accepted: November 15, 2005.

Martha Neder, Project Manager

MINUTES:

Hearing Officer: Warren Hoag

Thereafter, on motion of the hearing officer, at the request of the applicant, this item is **continued off calendar** to a date uncertain.

4. This being the time set for hearing to consider a request by **THOMAS AND MARY KESTLER** for a Minor Use Permit/Coastal Development Permit to allow development of an approximately 480 square-foot, one-story addition to an existing, approximately 735 square-foot, single-story, single-family residence, plus conversion of an existing, approximately 500 square-foot dwelling to a garage with addition of a 210 square-foot attached workshop. The project will result in the disturbance of an additional approximately 700 square feet of an approximately 4,000 square-foot parcel. The proposed project is within the Residential Single Family land use category and is located at 369 Pacific Avenue in the community of Cayucos. The site is in the Estero Planning Area. This project is exempt under CEQA.

County File No: DRC2004-00227

Assessor Parcel Number: 064,142,009

Supervisory District: #2.

Date Accepted: October 21, 2005.

Mike Wulkan, Project Manager

MINUTES:

Hearing Officer: Warren Hoag

Thereafter, on motion of the Hearing Officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through G in Exhibit A, and subject to Conditions 1 through 17 in Exhibit B. (Document No. 2006-198)

5. This being the time set for hearing to consider a request by **PATRICK CONSIDINE** for a Minor Use Permit to waive the distance limitation for a secondary unit and allow the construction of an 800 square foot dwelling to be located approximately 100 feet from the primary dwelling, on a 1.56 acre site. The proposed project is within the Residential Rural land use category and is

located at 270 Quarterhorse Way (east side), approximately 100 feet south of Belgian Place. The site is located approximately 0.6 miles northeast of the village of Palo Mesa, in the South County (inland) planning area. This project is exempt under CEQA.

County File No: DRC2005-00062

Assessor Parcel Number: 075-062-013

Supervisory District: 4

Date Accepted: November 21, 2005

Michael Conger, Project Manager

MINUTES:

Hearing Officer: Warren Hoag

Thereafter, on motion of the Hearing Officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through G in Exhibit A and subject to Conditions 1 through 15 in Exhibit B. (Document No. 2006-199)

6. This being the time set for hearing to consider a request by **FRED THACKER** for a Minor Use Permit to allow the construction of a 2,688 square foot primary residence and garage and convert the existing 1,200 square foot house to the second primary residence. Because the site is less than twenty acres (15.5 acres) the second primary residence must meet the secondary dwelling standards. The Minor Use Permit is requested to waive the distance standard to allow the second primary to be located 500 feet away instead of 250 feet away from the primary residence and the road standard to allow the construction of the second primary on a road that is not chip sealed or better. The project will result in the disturbance of approximately 6,000 square feet of a 15.5-acre parcel. The proposed project is within the Agricultural land use category and is located at 8575 Magdalena Drive, approximately 2,500 feet northeast of the corner of River Road and Magdalena Drive, in the community of San Miguel. The site is in the Salinas River planning area. Also to be considered at the hearing is will be approval of the Environmental Document prepared for the project. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 24, 2005 for this project. Mitigation measures are proposed to address air quality, agriculture, biology, hazardous materials and noise and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).

County File Number: DRC2004-00236

Assessor Parcel Number: 027-251-013

Supervisory District 1

Acceptance Date: June 3, 2005

Elizabeth Kavanaugh, Project Manager

MINUTES:

Hearing Officer: Warren Hoag

Thereafter, on motion of the Hearing Officer, the Negative Declaration is adopted, in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and the Minor Use Permit/Coastal Development Permit is granted based on Findings A through H in Exhibit A and subject to Conditions 1 through 29 in Exhibit B. (Document No. 2006-200)

7. This being the time set for hearing to consider a request by **J. TENBROECK INC.** for a Minor Use Permit/Coastal Development Permit to allow a new 3,558 square foot, triple level, single family residence with attached garage. The project will result in the disturbance of approximately 2,380 square feet of a 3,200 square foot parcel with an average slope of

approximately 25-29 percent. The proposed project is within the Residential Single Family land use category and is located at 871 Park Ave. in the community of Cayucos. The site is in the Estero planning area. Also to be considered at the hearing is will be approval of the Environmental Document prepared for the project. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 10, 2005 for this project. Mitigation measures are proposed to address geology and soils, and public services and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).

County File Number: DRC2004-00107

Supervisory District: 2

Ryan Hostetter, Project Manager

Assessor Parcel Number: 064-081-008

Date Accepted: August 5, 2005

MINUTES:

Hearing Officer: Warren Hoag

Thereafter, on motion of the Hearing Officer, the Negative Declaration is adopted, in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and the Minor Use Permit/Coastal Development Permit is granted based on Findings A through G in Exhibit A and subject to Conditions 1 through 27 in Exhibit B. (Document No. 2006-201)

8. This being the time set for hearing to consider a request by **SLO COUNTY OFFICE OF EDUCATION** for a Minor Use Permit/Coastal Development Permit to allow the replacement of an existing culvert and waterline over Chumash Creek. The culvert and waterline within the bridge has been impacted due to winter storms and needs to be replaced. The project will result in the disturbance of approximately 5,000 square feet of an approximately 47 acre parcel. The project is located on the north side of the intersection of Education Drive and Highway 1, approximately 3 miles northwest of the City of San Luis Obispo, in the Estero planning area. Also to be considered at the hearing is will be approval of the Environmental Document prepared for the project. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 17, 2005 for this project. Mitigation measures are proposed to address biological resources, geology and soils, public services/utilities, and water and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).

County File No: DRC2005-00046

Supervisory District: 2

Kerry Brown, Project Manager

Assessor Parcel Number: 073-211-004

Date Accepted: October 13, 2005

MINUTES:

Hearing Officer: Warren Hoag

Thereafter, on motion of the Hearing Officer, the Negative Declaration is adopted, in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section

21000, et seq., and the Minor Use Permit/Coastal Development Permit is granted based on Findings A through O in Exhibit A and subject to Conditions 1 through 24 in Exhibit B. (Document No. 2006-202)

9. This being the time set for continued hearing to consider a request by **JASON PAPICH** for a Minor Use Permit to allow a new 6,000 square feet storage/ shop building on a site with an existing storage yard. The project will result in the disturbance of approximately 10,000 square feet of a 6-acre parcel. The proposed project is within the Industrial land use category and is located at 915 Sheridan Road, in the community of Callendar Garrett. The site is in the South County planning area. This project is exempt under CEQA.

County File No: DRC2004-00223

Assessor Parcel Number: 091-193-064

Supervisory District: 4

Date Accepted: October 14, 2005.

Kerry Brown, Project Manager

MINUTES:

Hearing Officer: Warren Hoag

Thereafter, on motion of the Hearing Officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through G in Exhibit A and subject to Conditions 1 through 11 in Exhibit B. (Document No. 2006-203)

HEARING ITEMS:

10. This being the time set for hearing to consider a request by **PATTEA TORRENCE** for a Minor Use Permit to allow a change of use in a commercial building from an antique store to a deli (with the hours of 8:00 am - 5:00 pm Monday thru Friday and 8:00 am - 7:00 pm Saturday and Sunday), to allow the second floor to be used as a meeting hall with meetings limited to 52 times per year for up to 45 people, to allow wine tasting with the hours of 10:00AM to 4:00PM, and to allow 12 special events a year for up to 100 people. The project will include parking areas and the closure of Old Price Canyon Road at Highway 227 and the construction of a through road from Maxwellton to Old Price Canyon Road. The project will result in the disturbance of approximately 20,000 square feet of a 7.88 acre parcel. The proposed project is within the Commercial Retail land use category and is located at 1615 Maxwellton Street in the community of Edna. The site is in the San Luis Obispo planning area. Also to be considered at the hearing is will be approval of the Environmental Document prepared for the project. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 24, 2005 for this project. Mitigation measures are proposed to address cultural resources, hazards/hazardous materials, noise, public services/utilities, transportation/circulation, and wastewater and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).

County File No: DRC2004-00082.

Assessor Parcel Number: 044-131-024

Supervisory District: 3

Date Accepted: August 26, 2005.

Kerry Brown, Project Manager

MINUTES:

Hearing Officer: Warren Hoag

Others: Chuck Stevenson, Kari Scamara, Bill Robeson - staff; Richard Marshall, Public Works; Pattea Torrence, applicant; Jeff Kocan, applicant's representative; Edie Fiala, owner of Fiala's; Steve Orosz, agent; Frank Brown, Trinity Hall Manager and Board Chairman; Gary Tanner, neighbor; Belin Tanner, neighbor; Joe & Yvonne Rouleau, neighbors; Charlotte Campbell, neighbor.

Steve Oros, agent to applicant, discusses highlights of project. Discusses various evaluations done on the proposed project and gives findings. Addresses concerns with traffic and mailbox locations; explains reasons for closing Old Price Road, and addresses turn lanes citing there is no need for warrants for turn lanes. Discusses other winery access options without a left turn lane. States recommended changes to staff report would benefit all concerned. States he has reviewed all changes to the Conditions of Approval and is in agreement with all except condition #20 – would like to change due date to May 15, 2006; states condition 21c is different from the developer's statement: states dedicated right-of-way currently indicates 50 feet; states applicant would like to change to 40 feet. Addresses Ms. Fiala's request for a change in hours of operation to after 6pm. States he does not feel this would conflict with traffic flow. However, if this request will impact the decision made today, the applicant will forego the request to change the hours of operation. Mr. Oros presents photos of the proposed project site to present for the record, which are circulated for review by all.

Kerry Brown, staff, requests clarification of requested hours of operation.

Edie Fiala, owner of Fiala's Deli, states she is asking to extend hours of business she may stay open. Ms. Fiala explains the proposed dinner situation, stating she is not asking to serve anything different, nor will there be a need for waitperson staffing. She states the menu will remain the same, and service would be counter pick-up style. She indicates the hours she is requesting would include closure at 4pm and re-open from 6 pm to 9 pm weekdays. States she would provide complete close of business by 9:30pm. Ms. Fiala states she is requesting weekend hours of operation from 8 am to 9 pm due to non-traffic congestion at these times. Addresses revision of kitchen area, indicating she would not need to make any other adjustments other than additional workspace. States she may add a small table only, with no impact on the building.

Belin Tanner, neighbor, addresses concerns with current illegal uses. She addresses the report from Public Works regarding the road entrance. Cites her concerns with the possible increase in commercial traffic. States she believes additional traffic will create a more dangerous situation and would like further agency review. She indicates concerns with parking space, stating she does not know how space will accommodate for special events and workers. Addresses outside lighting and times of use. States the lights are left on periodically, and she would like to restrict placement. Addresses music use, indicating the sound travels down into the residential area. Requests restrictions be put on times and volume of music use with no amplification. Addresses time restrictions for meetings held. States she does not see any restrictions for this issue in the conditions of approval. States concerns with some of the other conditions, and questions whether there will be additional personnel available on weekends for enforcement of conditions. She questions event end-times, asking if individuals will remain after events or leave right away. Asks what constitutes the event actually being over. Cites concerns with individuals remaining in the area after drinking at the special events. Addresses times of delivery trucks and the noise associated with them. She requests possible conditions be included for location and/or times deliveries can or cannot be made. Ms. Tanner then addresses extended hours that will result in additional outdoor use and noise, and describes her concerns for the neighborhood in general.

Charlotte Campbell, neighbor, states she is in agreement with all concerns previously mentioned by Ms. Tanner. States her concerns with people doing things that they didn't receive permission to do initially. Ms. Campbell cites concerns with parking space and continued expansion of the facility.

Frank Brown, Manager of Trinity Hall, advises that the board members of Trinity Hall have instructed him not to rent space for parking due to liability issues. States the reason being there is no safe pedestrian area to and from their facility. Indicates he believes 6 pm is about the time traffic closes, and that this would not be problematic. Mr. Brown cites concerns with the closure of Hwy 101. Addresses traffic conditions and use of Price Canyon Road. He describes Trinity Hall schedules of events, days they meet, etc.

Joe Roullau, neighbor, addresses group. Speaks on behalf of Fialo's Deli. Indicates he agrees with some of the concerns mentioned. He states that perhaps changes could be made to please everyone. States he would like to see the Fiala's remain open with revisions in conditions of approval.

Brad Clark, property owner, addresses site distance. States he received a traffic study from Bill Heath of Cal Trans, and states the site distance is adequate. He asks questions the number of parking spaces that are required, and questions how parking space was calculated. Cites some incorrect figures and some uses that are not included in the staff report. Addresses traffic issues, mitigated negative declaration, and Cal Trans report. Mr. Clark cites concerns with left-hand turns and traffic when alcohol is present. States he has not received a letter from Cal Trans to date. Feels this should be taken into consideration. States he feels the parking requirements are inadequate. Suggests installation of a footbridge for pedestrian traffic. Mr. Clark indicates his desire to help reduce the number of issues between the owners of the proposed project and the residents in the area.

Hearing officer explains meeting procedures.

Kerry Brown, staff, presents project. States the applicant has revised the number of requested special events from 52 to 15 per year. Addresses operational concerns. Reviews current conditions of approval and cites additions/changes. Addresses parking concerns and references Condition 3.a. States the proposed project will require 50 parking spaces instead of the originally proposed 59, which will be located in the commercial area. Sites Condition 3.c regarding the location of a proposed through road and refers to the site plan, indicating the actual proposed location. Indicates staff has received numerous letters in support of the proposed project. Submits letters received for the record. Ms. Brown indicates Planning staff has been concerned about traffic issues, and has addressed these concerns in the revised Conditions of Approval dated February 4, 2006.

Steve Oros, agent, cites proposed changes in operating hours of 6-9pm weekdays and 6-9 weekends. He describes the difference between the current deli style operation versus a regular sit-down restaurant style. Mr. Oros explains that the applicant will have no outdoor amplification. He addresses landscaping issues and possible screening to help hide outside lighting. Indicates the applicant is willing to work with a revised delivery schedule to be conditioned to between the hours of 9am and 11am, and from 2-4pm. He addresses the location of a proposed connecting road and suggests possibly narrowing the street so public access would be diminished, aiding in possible discouragement of through traffic. He cites the traffic study, indicating the study was several years old. He discusses the parking space number and how it was obtained. States the parking issue can be worked out. He questions who would pay for a footbridge, if installed.

Edie Fiala indicates she is not trying to make the local area residents unhappy. States she has tried to comply with most requests. Addresses mail box location. States she has seen area residents sometimes park in the middle of the street, and she would like to see an ordinance put in place against this. Indicates she does not encourage larger groups of visitors to the Deli (i.e. tour buses). She explains the Deli does not use any heat lamps inside or outside, nor do they plan to. States they do not

use amplified music inside or out. Ms. Fiala states she wants to work with the neighbors to work out any concerns.

Pattea Torrence, applicant; offers clarification of location of residents versus traffic. She indicates she is requesting more parking because the deli needs it. States she regularly checks the parking situation. Describes possible additional parking space locations, and indicates there is often more traffic due to parking at Trinity Hall. States she can often hear the music from Trinity Hall, and that she is not complaining, but indicates that at times the music seems louder than that in her own facility. She describes prior events at Fiala's Deli. Indicates she would like amplified music inside only. Indicates she does not want bus tour groups and is willing to state this in the conditions of approval. States she will stop music playing in the tree house if necessary. Indicates she would like to have a yearly event, but is not asking for any special wine events. Ms. Torrence indicates this will be a pick-up style food service deli, not a sit-down style restaurant, and that she is working on obtaining proper permits. Ms. Torrence states she wants to get permitted as soon as possible. She indicates she has not received any complaints within the last 5-8 years. States the deli it was built for meetings. She questions the number of any registered complaints regarding the music from Trinity Hall. Indicates she is requesting this permit to resolve all the concerns. States she cares about the residents and wants them to be comfortable and happy.

Hearing officer closes the public comment period and addresses staff.

Richard Marshall, Public Works, responds to the request to change Condition 21.c from a 50-foot right-of-way to 40 feet, indicating this would be acceptable to Public Works.

Kerry Brown, staff, discusses limits on deli hours of operation. Ms. Brown indicates staff is not comfortable with extending the hours of operation. States she does agree with early closure to be set at 4 pm. Indicates she would be comfortable extending weekend hours to 9 pm, but not on weekdays, and states she would be willing to revise Condition 1.a and 29 to reflect these changes.

Edie Fiala addresses kitchen size and her concerns, indicating the area is less than 250 sq ft. She states the area is currently 220 square feet, and that she would like to add 75 square feet of space currently unused to equal 292 total square feet. States she is willing to delete this request entirely and reorganize instead, if this will affect approval of the project today. States she needs to install vinyl flooring to bring the floor up to code.

Kerry Brown, staff, indicates a 75 square foot addition to the kitchen area would be OK with Planning staff.

Chuck Stevenson, staff, refers to County ordinance related to amplification and lighting and discusses zoning. There is further discussion.

Hearing Officer addresses parking concerns. Questions parking requirements and asks for staff's recommendations in regards to overlapping of events.

Kerry Brown, staff, explains. Indicates that Condition 34 regarding hours of operation will be revised. States for special event requirements the deli would have to be closed to regular business, since meetings could not occur the same times as the deli is in operation. Addresses special events for wine tasting, and discusses changing conditions to restrict use. Indicates staff is not recommending parking overflow. Addresses proposed parking and outside lighting, and refers to County ordinance. Indicates

she wants to condition outside lighting to be shielded. States she will add conditioning for an external lighting plan to meet County ordinance requirements.

Hearing Officer addresses amplified music concerns, stating there is to be none allowed. Indicates the County ordinance states noise cannot exceed 65 dcb's. States staff can add a condition or limit the times allowable for sound amplification for music inside only. Addresses proposed hours of operation, indicating there are no specific times shown for meeting hall operations. Kerry Brown, staff, states she will revise Condition 36 to state "events *and meetings*", and indicates these events and meetings would end at 8 pm Sunday through Thursday.

Hearing Officer addresses enforcement during special activities. Kerry Scamara, Code Enforcement staff, indicates violations are normally dealt with on Mondays, unless enough information is not given to Code Enforcement. Ms. Scamara addresses issues of public urination and alcohol use, stating the residents can call the Sheriff's Office on weekends should these types of incidents occur. Hearing officer discusses what constitutes an event really being over. Kerry Brown, staff, states it is when all equipment is put away, and all individuals have exited the premises, indicating any lingerers should be dissuaded.

PatteaTorrence asks if workers may remain on the premises to clean, inside or out. Kerry Brown, staff, states all events and cleaning should be done by 10 pm due to noise levels.

There is discussion of location of trash receptacles and the possibility of bagging trash the next day versus the day of an event.

There is discussion of changes in proposed delivery times. Edie Fiala requests an extension of between 2 pm-4:30 pm afternoons and from 8 am to 10 am on weekends.

Richard Marshall, Public Works, indicates the proposed delivery times would be agreeable to Public Works for any of the activities held on site.

Hearing Officer addresses deli permitting issue. Kerry Brown, staff, explains permitting history. States the County advised the permit requirements, which have taken much time. Indicates the applicant is in the process of getting permits for all uses. Ms. Scamara, Code Enforcement staff, states an enforcement case was previously documented due to a complaint. Advises there is a penalty for applying for a permit after-the-fact.

Hearing Officer addresses concerns with parking and traffic patterns, if Hwy 101 is affected. Mr. Brown states there is a walkway on the Cal Trans Bridge, but no suitable access for pedestrians exists from the Trinity Hall location to the bridge.

Hearing Officer addresses concerns regarding the traffic study, and indicates the site distance is adequate. Hearing Officer requests clarification from Mr. Marshall, Public Works, on the traffic study.

Mr. Marshall states he feels the applicant's representative adequately summarized that so much time had passed, and that it was appropriate to re-do the study, and the current study addresses all of the currently proposed activities for this area and identifies that site distance is not the only operational concern, but that the ability to make turning lanes in compliance with current design standards for the intersections was an additional concern.

Kerry Brown, staff, states she used the plans submitted by the applicant, including floor plans of the deli and meeting hall, for determining the Parking space calculation, as well as County ordinance requirements, which resulted in 1 parking space per 100 feet.

There is further discussion of the deli being open the same time as special events. Staff reiterates their previous recommendation stating for a special event, regular service for other customers would not be provided. Staff states this has been addressed in Condition #34.

There is further discussion of the parking figures, and possible overflow parking. Staff advises there are no overflow requirements in the conditions, and indicates 50 spaces per 100 people is adequate and that the conditions limit special events to 100 people. Staff cites Condition #40, which covers enforcement of these guidelines.

Staff addresses Mr. Clark's earlier question of whether Cal Trans had responded to this current proposal. Staff states there was a response from Cal Trans to an initial referral. Staff indicates they met with Cal Trans several times, and resubmitted a new study, to which Cal Trans had not responded. This was stated in the Environmental Determination, indicating the County Department of Public Works did, in fact, review and agree with its content.

Richard Marshall, Public Works, states he feels there is adequate information from Cal Trans, and his initial approval of the project as it now stands remains. Mr. Marshall indicates the real key that makes the proposed project work is the limitation on hours of operation. He indicates the warrants for left hand turns for this project are not necessary.

Mr. Clark refers to the letter of February 3, 2005 from Cal Trans, suggesting that due to safety and operational considerations, a project of this scope requires left-hand channelization. He asks for confirmation that everyone involved knows alcohol will be served and that this will be ok, and that there will not be a left-hand turn.

Hearing officer states this is the understanding and this is what is currently proposed and recommended at this time.

Hearing Officer summarizes changes to be made to Conditions of Approval, including revised hours of operation from 8 am to 5 pm, Monday through Friday; 8 am to 9 pm Saturday and Sunday; delivery hours to be conditioned for between 9 am and 11 am and from 2 pm to 4:30 pm weekdays, and one delivery allowable during the week between 4pm and 4:30pm. States Condition 21b should be changed to include: *"...additional design shall incorporate measures to reduce commercial traffic from entering the residential area at Maxwellton and Garden to reduce traffic."*

Hearing officer addresses Ms. Pattea's request that use of existing open space in the commercial area, currently unused, be used for additional parking. He asks for clarification of the location as referenced on the site map. After review, the hearing officer states the proposed area for additional parking can be used for additional parking.

Hearing Officer addresses allowable noise levels. Indicates there are already noise ordinance provisions that need to be complied with for any noise, inside or outside, and directs staff to create new conditions to reflect this, and to include an ending time for use of amplified equipment.

Hearing Officer addresses permit status concerns, indicating the applicant is working with staff to obtain proper permitting. Seating limitations are discussed.

Hearing officer addresses complaints. Kari Scamara, Code Enforcement staff, states there have been no complaints, other than signage, and that issue was remedied immediately. Parking signs were left in tact. States there have been no other complaints on record of any kind.

Kerry Brown addresses letters from neighbors. States there were both complaints and those in favor of this project, which she previously submitted for the record.

Richard Marshall comments on the time frame shown in Condition 21.b, and requests a possible change due to the current workload in the Public Works Department. Mr. Marshall indicates Public Works needs at least three months to process. There is discussion of a more appropriate time frame. Staff suggests moving the date heading, "*May 15, 2006*", above Condition 21 to below Condition 22 to affect Conditions 23 on. Mr. Marshall suggests the addition of language to Condition 21.b to read: "*Construction of improvements shall commence within 60 days of approval of the improvement plans.*" Staff indicates this language will be added.

There is a brief discussion of water usage and monitoring, and the possibility of extending the hours of operation on Friday evenings to 9 pm instead of 5 pm, and whether Friday is considered part of the weekend. Mr. Marshall states from his perspective the timing has to do with the way the various activities do and don't get allowed to happen at the same time as one another, and certain assumptions were made about which things would be concurrent as part of the traffic analysis, and he is not comfortable supporting the request without further study. States he is not opposed to the close of business at 9 pm on Saturday or Sunday. Beer and wine service are discussed. Staff states the County can sign off on the EBC license once all improvements have been made.

Staff suggests an addition to Condition #32 regarding prior notification to neighbors along Maxwellton Road for any special events up to 100 people. There is discussion. It is agreed that staff will add a condition to address this issue.

Thereafter, on motion of the Hearing Officer, the Negative Declaration is adopted, in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and the Minor Use Permit is granted based on Findings A through I in Exhibit A, and subject to revised Conditions 1 through 40 in Exhibit B, dated February 4, 2006, with changes to the revised Conditions as follows: Condition #1, change hours of deli operation from *8pm to 5pm M – F, 8am to 9pm Sat., & 8am to 8pm Sunday*; Condition #3, delete the 'q' in area; Condition #21, move the heading "*May 15 2006*" to below Condition #22 to apply to Conditions #23 on; Condition #21, add Condition 21.b to read: "*Maxwellton shall be improved to an A-1 (rural) standard within a minimum 40-foot dedicated right of way. Design measures shall be included to reduce commercial traffic from entering the residential area.*" Condition #21c, change 50-ft. to 40-ft.; add New Condition 21D to read: "*Construction of the improvements shall commence within 60 days of the improvement plan approval.*"; Condition #29, change deli hours to match those listed in Condition 1.a.; Condition #32, add language to end of sentence to read: "*with advanced notification to the neighbors along Maxwellton Street.*"; Condition #36, add language to read: "*Events and meetings shall end at 10:00pm on Friday and Saturday and end at 8:00pm Sunday through Thursday.*"; add New Condition #41 to read: "*All existing lighting shall be brought into conformance with Ordinance requirements.*"; add New Condition #42 to read: "*Within 45 days of permit approval, a lighting plan shall be submitted that meets all of the Ordinance requirements.*"; add New Condition #43 to read: "*Noise shall be consistent with Ordinance requirements. 65 dba at the property line.*"; add New Condition #44 to read: "*All indoor amplified equipment shall end by 9pm.*"; add New Condition #45 to read: "*Delivery trucks shall be restricted to*

9:00 a.m. to 11:00 a.m. and 2:00pm to 4:00pm, and one delivery between 4:00 p.m. to 4:30 p.m.”
(Document No. 2006-204)

11. This being the time set for hearing to consider a request by **ARTHUR ANDERSON** for a Minor Use Permit/Coastal Development Permit to allow a 4,738 square foot single family residence with attached garage. The project will result in the disturbance of approximately 5,000 square feet of a 2.79 acre parcel. The proposed project is within the Residential Suburban land use category and is located at the northern terminus of Starr Court approximately 80 feet north of Valley View Lane in the community of Los Osos. The site is in the Estero planning area. Also to be considered at the hearing is will be approval of the Environmental Document prepared for the project. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 24, 2005 for this project. Mitigation measures are proposed to address cultural resources, public services/utilities, and transportation/circulation and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).
County File No: DRC2005-00002 Assessor Parcel Number: 074-325-061
Supervisory District: 2 Date Accepted: August 5, 2005
Kerry Brown, Project Manager

MINUTES:

Hearing Officer: Warren Hoag

Others: Jeff VanLith, agent for applicant; Heath and Cheryl Anderson, property owners; Yvonne Reiter-Brown, neighbor; Julie Tacker, concerned citizen.

Kerry Brown, staff, presents project. Discusses issues raised in correspondence received requesting hearing. Ms. Brown indicates staff has added two new conditions, #4 to address colors, and #5 to address landscaping. She discusses water issues, stating the level of severity is recommended at level 3. States the addition of draught tolerant landscaping should be sufficient.

Jeff VanLith, agent for applicant, states he and the applicant are in full agreement with the staff report.

Yvonne Reiter-Brown, neighbor, states her concerns. Indicates she would like the same conditions for approval for adjoining lots for heights of plants, lower profile, etc. She requests clarification of the footprint for proposed landscaping, indicating she would like the builder to consider building into the landscape. Ms. Reiter-Brown offers a computer-generated photo for the record showing lower profile landscaping. States her concerns with water usage and possible environmental impacts. States she would like an Environmental Impact Report be done on the proposed site prior to start up. States an Environmental Impact Report was not done on the original cluster developed in 2002, and she feels there is considerable merit in doing one now.

Julie Tacker, neighbor, cites her concerns regarding water usage. States she would like to see further work towards retrofitting neighbors' toilets to use less water, and would like to see conditions of approval added to address this. Indicates many new homes have been retrofitted.

Mr. VanLith, agent for the applicant, responds. He refers to the site plan, and describes the plans, heights, and subterranean conditions proposed. States the landscaping is already subterranean by virtue of grading on the property. Discusses the plan layout and describes the various heights, the highest point being 29 feet from grade, located at the back. Explains the set-back is 30 feet, that was

dictated during the subdivision. States there is actually 41 feet from the proposed project and the nearest property line. Mr. VanLith indicates roof drainage is already in place. Indicates other drainage is guttered and directed to a subsurface pipe system that ends up in open space. States he is very amenable to zero-scaping. States his agreement with retrofitting plumbing fixtures.

Hearing officer addresses concerns. He refers to conditions on another similar project. Addresses heights.

Kerry Brown, staff, indicates the requirements for this project are identical to that referenced by the hearing officer. Ms. Brown indicates Condition #14 should read: *"The maximum height of the project is 29 feet from finished grade"*, and that the word *"natural"* should be deleted. States all other conditions are carried forward. Refers to elevation issues and asks staff to describe relative heights.

Hearing officer addresses water use. Drainage runoff is discussed. He questions staff whether drainage improvements were included into conditions. Advises applicant that Los Osos Community Advisory Council has it's own planning area standards regarding drainage for which the applicant will have to adhere. Indicates the project incorporates low flow conditions. States zero-scaping is included in Condition #5. States the County does not have particular requirements in place regarding the issue of retrofitting toilets. States Cal Cities could require retrofitting. Advises applicant he could do so voluntarily and staff would be willing to condition for this. Hearing officer indicates he would like to record something for the record as a statement of intent by the applicant to install low flow toilets.

Kerry Brown, staff, addresses the height concerns. Advises there is a correction to Condition #14 deleting the word *"natural"* to read: *"The maximum height of the project is 29 feet from finished grade."* Ms. Brown Addresses the Environmental Impact Review determination of November 24, 2005 to mitigate any impacts. Refers to page 22, indicating there will be no significant effects on the environment due to revisions in the project.

Ms. Reiter-Brown says she now understands the project better from review of the site plans and staff's explanations. States she would still like to see an environmental review done on this project before start-up.

Hearing Officer states the proposed project plan has to be approved by the Public Works Department before actual work begins, and Public Works will ensure water flow provisions are in place. He indicates that historically, Public Works staff usually physically visit project sites.

Cheryl Anderson, property owner, indicates she has no problem with installation of low flow equipment. States she is also in favor of zero-scaping. States she is hesitant to install a low-flow toilet into a house where there is a large lawn area, but would be willing to do so for a residence with little or no landscaping.

Mr. VanLith advises there will be very minimal, if any, landscaping.

Therefore, on motion of the hearing officer, the Minor Use Permit/Coastal Development Plan is approved based on Findings A through G in Exhibit A and subject to Conditions 1 through 19 in Exhibit B, with changes to Condition #14 to delete the word *"natural"* to read: *"The maximum height of the project is 29 feet from finished grade"*, and addition of a new Condition #20 to read: *"The applicant is encouraged to retrofit higher flow water fixtures within the Urban Reserve Line area of Los Osos."* (Document No. 2006-205)

There being no further business to discuss, the hearing is adjourned at 1:55pm.

Respectfully submitted,
Mary Velarde, Secretary
Planning Department Hearings